



Attorney's Docket No. 1033462-000037

AGS
SFW

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)

Darko Pervan)

Group Art Unit: 3635

Application No.: 10/730,131)

Examiner: BASIL S. KATCHEVES

Filed: December 9, 2003)

Appeal No.: _____

For: FLOORBOARDS, FLOORING
SYSTEMS AND METHODS FOR
MANUFACTURING AND
INSTALLATION THEREOF)

APPEAL BRIEF

Mail Stop APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This appeal is from the decision of the Primary Examiner dated November 14, 2006 finally rejecting claims 1-3, 5, 7-20 and 25-38, which are reproduced as the Claims Appendix of this brief.

- ☐ A check covering the ☐ \$ 250 ☐ \$ 500 Government fee is filed herewith.
- ☒ Charge ☐ \$ 250 ☒ \$ 500 to Credit Card. Form PTO-2038 is attached.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

06/12/2007 JADD01 00000010 10730131

#1 FC:1402

500.00 OP

I. Real Party in Interest

The present application is assigned to Valinge Innovation AB. Valinge Innovation AB is the real party in interest, and is the assignee of Application No. 10/730,131.

II. Related Appeals and Interferences

The Appellant legal representative, or assignee, does not know of any other appeal or interferences which will affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 1-3, 5, 7-20 and 25-38 have been rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 6,763,643, hereinafter *Martensson*.

IV. Status of Amendments

No amendments have been filed after the final rejection.

V. Summary Claimed Subject Matter

The following comparisons of the claimed subject matter to the preferred embodiments disclosed in the specification is for complying with 37 CFR 41.37 (c)(1)(v). The claimed invention is not limited to the disclosed preferred embodiments.

Claim 1:

Claim 1 defines a rectangular laminated floorboard for a patterned floating floor. The floorboard comprises opposing long edges (4a, Fig. 4a), opposing short edges (5a, Fig. 4a), and a surface layer of laminate. See paragraph [0071] of the published application. Integrated connectors (Fig. 5a) at least along the opposing long edges of the floor board lock the floorboard together with a second similar floorboard. Upper edge portions of the floorboard and upper edge portions of the second floorboard, in a joined state, together define a vertical plane (VP, Fig. 5a). The connectors (8, 14, Fig. 5a) are adapted for locking together the floorboard and the second floorboard in a horizontal direction, perpendicular to the vertical plane. See paragraph [0071].

The connectors (22, 23, Fig. 5a) are also adapted for locking together the floorboard and the second floorboard in a vertical direction, perpendicular to a main plane of the floorboard. See paragraph [0071]. The opposing long edges 4a of the floorboard have a length not exceeding 80 cm. and the opposing short edges 5a of the floorboard have a length not exceeding 10 cm. See paragraph [0039].

Claim 7:

Claim 7 further defines the floorboards of claim 1, wherein the connectors comprise a separate part (6, Fig. 5a) which projects beyond the joint edge (VP) and which is mechanically joined with a core 30 of the floorboard.

Claim 15:

Claim 15 recites a system of rectangular floorboards, wherein each of the floorboards comprises a laminated surface layer and a core with two long sides 4a and two short sides 5a, for making a floating flooring. The floorboards are mechanically lockable, and which along their four sides have pairs of opposing connectors for locking similar, adjoining floorboards to each other both vertically and horizontally, wherein the long sides have a length not exceeding 80 cm and the short sides have a width not exceeding 10 cm. See paragraphs [0071] and [0039].

Claim 25:

Claim 25 defines a method for making a floor of mechanically locked rectangular floorboards joined in parallel rows with long sides and short sides, which floorboards along their four sides have pairs of opposing connectors for locking similar, adjoining floorboards both vertically and horizontally. See Figs. 4a and 4d and paragraph [0071]. The connectors of the floorboards being adapted so that two opposite joint edges on the long sides can be locked by inward angling. See Fig. 6 and paragraph [0074].

The method comprises placing a second floorboard (G2, Fig. 6) in a second row R2 at an angle (A) to a first floorboard G1 in a first row R1 and contacting the same, by an upper joint edge, with a joint edge of the first floorboard. Locking a new floorboard G3 in the second row R2 to a short side of the second floorboard G2 in the second row R2, so that the upper joint edge of the new floorboard contacts the joint edge of the first floorboard. Laterally displacing both the new and the second floorboard parallel with respect to the long side of the first floorboard. Compare Fig. 6c to Fig. 6d, and see paragraph [0074]. The lateral displacement being longer than the length of the floorboards. See original claim 25. Angling down the second and the new floorboard after lateral displacement. Paragraph [0074].

Claim 26:

Claim 26 depends from claim 25 and further recites that the floorboards are laminate and have a length and the width that does not exceed 80 and 10 cm. respectively. See paragraphs [0039] and [0071].

Claim 27:

Claim 27 defines a method for installing a flooring comprising a first and a second type of rectangular floorboards. Compare Fig. 9b to Fig. 9c and see paragraph [0081]. Each floorboard is provided, along opposing long edges and along opposing short edges, with integrated connectors for locking together the floorboard with a similar floorboard. See Fig. 5. The upper edge portions of the floorboard and the similar floorboard, in a joined state, together define a vertical plane (VP, Fig. 5). The connectors are adapted for locking together the floorboard and the similar floorboard in a horizontal direction, perpendicular to the vertical plane, and whereby the connectors are adapted for locking together the floorboard and the similar floorboard in a vertical direction, perpendicular to a main plane of the floorboard. See paragraph [0071].

The long edges have a length which is an even multiple of a length of the short edges, whereby the first type of floorboard, as compared with the second type of floorboard, is mirror-inverted with regard to the connectors. Paragraph [0055] and Figs. 9b and 9c. The first and the second types of floorboard are joinable to each other long side against short side, short side against short side and long side against long side (Fig. 12a), the method being wherein the installation of the flooring comprises the step of joining by inwards angling, two respective, essentially identical short edges of two floorboards of the first type with a long edge of a floorboard of the second type. See Fig. 10 and paragraph [0087].

Claim 29:

Claim 29 defines a flooring system comprising a first and a second type of rectangular floorboards, each floorboard comprising along opposing long edges and along opposing short edges, integrated connectors for locking together the floorboard with a similar floorboard. See Fig. 9. Upper edge portions of the floorboard and the similar floorboard, in a joined state, together define a vertical plane (VP), whereby the connectors are adapted for locking together the floorboard and the similar floorboard in a horizontal direction, perpendicular to the vertical plane, and the connectors are adapted for locking together the floorboard and the

similar floorboard in a vertical direction, perpendicular to a main plane of the floorboard. See paragraph [0071].

The long edges have a length which is an even multiple of a length of the short edges, and the first type of floorboard, is mirror-inverted as compared with the second type of floorboard, with regard to the connectors. See paragraph [0055]. The first and the second types of floorboards are joinable to each other long side against short side, short side against short side and long side against long side. See Fig. 12a.

Claim 32:

Claim 32 defines a flooring system comprising first and second types of rectangular floorboards, and third and fourth types of rectangular floorboards. See Fig. 12a. and paragraph [0055]. Each of the floorboards being provided, along opposing long edges and along opposing short edges, with integrated connectors for locking together the floorboard with a similar floorboard, such that upper edge portions of the floorboard and the similar floorboard, in a joined state, together define a vertical plane (VP). The connectors are adapted for locking together the floorboard and the similar floorboard in a horizontal direction, perpendicular to the vertical plane, and whereby the connectors are adapted for locking together the floorboard and the similar floorboard in a vertical direction, perpendicular to a main plane of the floorboard. See paragraph [0071].

The long edges have a length which is an even multiple of a length of the short edges, a multiple of the first and second types of floorboards is smaller than a multiple of the third and the fourth types of floorboards, the first type of floorboard and the third type of floorboard, as compared with the second type of floorboard and the fourth type of floorboard, respectively, are mirror-inverted with regard to the connectors, and all of the first, second, third and fourth types of floorboards are joinable with each other long side against short side, short side against short side and long side against long side. See paragraphs [0055] and [0088] through [0092].

VI. Grounds of Rejection to be Reviewed on Appeal

Whether claims 1-3, 5, 7-20 and 25-38 are unpatentable under 35 U.S.C.
§103(a) over U.S. Patent No. 6,763,643.

VII. Argument

Claim 1:

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,763,643 to *Martensson* on the grounds set forth on pages 2-5 of the Official Action. For at least the reasons noted below, this rejection should be reversed.

Background of the invention:

The present claims are directed to floorboards which can be joined mechanically in different patterns so as to resemble traditional parquet flooring comprising blocks. In the prior art floorboards, floorboard pieces were made large with patterning on the surface to simulate multiple small floorboards on a single physical floorboard. The floorboards were traditionally made large so as to minimize waste from cutting edges and simplifying installation time. However, as noted at page 9 of the application, floorboard pieces made with large patterning can produce an unnatural appearance by, for example, lateral offset at joints. See Fig. 1c.

The floorboards of claim 1 address this problem and provide other improvements by providing a laminate floorboard of certain maximum dimensions. For example, in independent claim 1, a long edge of the floorboard has a length not exceeding 80 cm. and a short edge of the floorboard has a length not exceeding 10 cm.

The state of mind prior to the present invention will be explained in detail hereinbelow. In the prior art, laminate boards were made of a relatively large size for at least three reasons:

- (1) in order to reduce the saw cuts as much as possible (page 6, lines 26-27, of the application),
- (2) it was thought that a floor of larger boards could be installed faster than a floor of smaller boards (page 7, lines 16-17), and

(3) a floor comprising large sized panels with few joints has a considerable cost advantage over a floor with many smaller sized panels (page 7, lines 2-4).

However, with the large-sized patterned boards, there were problems that the printed patterns that simulate small blocks did not line up when the large boards were installed. As a result of the development leading to the present invention, it has been surprisingly found that, in spite of the well-known advantages of the larger boards, there are actually many, previously unappreciated advantages of using a larger number of smaller boards. For example:

(1) the claimed small floorboards "provide an improved imitation of a classically patterned parquet flooring, since the joints will be consistent with the parquet blocks and not exhibit any pattern offsets or 'additional joints'." See, page 15, lines 15-18 of the present application.

(2) the inventor has also discovered the surprising result that "flooring which comprises small floorboards can be installed almost as quickly and with the same quality as traditional flooring comprising considerably larger floorboards." See, page 10, lines 21-26 of the present application.

(3) it has further been discovered that the small boards are easier to handle than the larger boards (page 11, line 1),

(4) because the sides are shorter in the smaller boards, there is less friction when sliding two adjacent connecting boards (page 11, line 2),

(5) since the actual connecting elements are proportionately smaller with the smaller boards, there is less material to bend when making a connection so that connecting two adjacent boards together is also easier (page 11, lines 3-5).

Thus, in spite of the industry accepted practice of using as large a board as possible, the inventor determined that the numerous, *and previously unrecognized* advantages of using smaller boards, can in many instances outweigh the advantages of using larger boards. Other advantages, not specifically set out in the present specification include the facts that:

(6) small boards are easier to install near walls than large boards,

(7) small boards are less inclined to warp in humid environments than the larger boards, and

(8) small boards have more joints per unit area and thus release tension easier due to expansion or shrinking easier than large boards.

A declaration was submitted by Mr. Gerhard Schultze, a retired employee of Pergo Corporation, who has been involved with laminate flooring from its beginning. The declaration, which is included in the appendix, supports the foregoing assertions that the smaller boards produce **unexpected** results, and were contrary to the established thinking of the industry.

Mr. Schultze confirms that prior to the present invention, no one in the industry ever thought of producing floorboards of small size because of the perceived higher production costs and material waste. On the contrary, the general idea was to produce as large floorboards as logistics allowed. The laminate boards were produced in the same presses as the boards for parquet floorboards of wood (engineered wood). The presses produced boards of the size 8 x 4 feet and the laminate boards were sawn into floorboards of the size 1200 x 200 mm to enable stacking on a standard pallet. The 200 mm width of the floorboards is derived from the conventional width of three strips of floorboards. Mr. Schultze also confirms the benefits set forth above, and that the general thinking in the industry was that small boards would be more time consuming to install because no one appreciated the foregoing advantages.

Also of interest is the previously submitted declaration from Mr. Svante Bernow, who has conducted installation tests comparing the installation of the claimed small boards (8.4 cm X 7.56 cm) to the installation of standard size boards (20 cm X 120 cm). According to Mr. Bernow's tests, a 100 cm X 360 cm area could be installed in 3 minutes and 13 seconds using the small boards while the same area was installed in 3 minutes and 57 seconds using standard boards with an angle-snap installation, and in 5 minutes and 54 seconds using standard boards with a snap-

snap installation. Accordingly, the aforementioned advantages of using a small board actually result in shortened installation time.¹

Accordingly, it is respectfully asserted, based on at least the above, that criticality for the specifically claimed dimensions has been established.

The rejection relies upon the disclosure in *Martensson* and states on page 2 of the Official Action that *Martensson* discloses the basic claim structure of the instant application *but does not disclose the specific long and short edge dimensions*. The Examiner then asserts that the Applicant failed to show criticality for the specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

However, even the recent Supreme Court decision in *KSR Int'l Co. v. Teleflex Inc.*, No. 04-1350, April 30, 2007, implicitly supports Applicant's position. For example, the Court implies that the combination of familiar elements may be patentable when the combination yields more than predictable results. Furthermore, the Court stated that "when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious."

¹ In accordance with rule 56, the Board is advised that the assignee of the present application filed a patent application on December 8, 2006 as Serial Number 11/635,674. On page 8 of that application, it is stated:

It is also obvious that all embodiments could be used to provide a floor where the floor panels are made of a single floor element. Practical testing shows however that a floor panel comprising five floor elements could be installed in advanced or complex patterns, e.g., different sizes of floor elements, more than five times faster than if the floor was installed with floor panels comprising only one floor element.

The foregoing paragraph compares installing a floor panel of a complex pattern comprising five elements to installing the five elements individually. As seen in Figure 9 of Serial No. 11/635,674, if floors of a complex pattern are being laid, it may be faster to use a single floor panel comprising five elements than to install the five elements separately. However, this statement is limited to floors with complex patterns.

Applicant submits that the above identified sections from the specification, as well as the two declarations from individuals skilled in the relevant art, demonstrate unexpected results, criticality of the dimensions, and a teaching away in the prior art. Accordingly, Applicant submits that the rejection is improper.

In addition, the Examiner states that the range given in the claims is too wide to claim a criticality for the success of the invention, noting that the ranges are from 10 cm wide and up to 80 cm long. However, the Examiner provides no legal authority or support for that statement. Furthermore, the Examiner has not provided any explanation at all as to why the ranges are allegedly too wide.

This is not a proper reason to disregard criticality. It is an applicant's right that he "may set the metes and bounds of that which is sought to be patented." *Andrew Crop. Gabriel Electronics*, 6 USPQ2d 2010, 2014 (Fed. Cir. 1988). In the present application, the applicant has set out a claimed range for board size. And, the nonobviousness of the claimed range has been demonstrated by showing the criticality of that range (i.e., unexpected results). See *In re Geisler*, 43 USPQ2d 1362 (Fed. Cir. 1997). To show this criticality, the "evidence of nonobviousness [criticality] must be commensurate in scope with the claims which the evidence is offered to support." *In re Clemens*, 206 USPQ 289, 296 (CCPA 1980).

Applicants have met this burden with the declarations of record which clearly demonstrate the criticality of the claimed ranges. There is no further requirement regarding the claimed range or the size of the claimed range. The Examiner's assertion that the range given in the claims is "too wide" to claim a criticality for the success of the invention is not properly based in the law. It is improper to focus on the "width" or size of the range. Instead, the focus should be on applicant's evidence of nonobviousness (the declarations of record) which clearly demonstrate the criticality of the claimed ranges.

Accordingly, it is respectfully asserted, based on at least the above, that criticality for the specifically claimed dimensions has been established, thereby rebutting the Examiner's finding of obviousness. For at least this reason, withdrawal of the rejections of claim 1 is respectfully requested.

It is important to note that none of the advantageous set forth above are in any way diminished by the size of the claimed range. In the event that the Examiner maintains the rejection, the Examiner is also respectfully requested to explain why the above-described criticality would not apply to the claimed ranges.

Furthermore, the Examiner concedes that *Martensson* does not teach the claimed dimensions. Accordingly, the Examiner must modify the reference to arrive at the claims. However, the Examiner appears to be relying on the fact that *Martensson* could possibly be modified. However, the case law is well settled that it is insufficient that the prior art could be modified. The law requires that there is some teaching or suggestion to modify the reference.

"Although the Commissioner suggests that [the structure in the primary prior art reference] could readily be modified to form the [claimed] structure, '[t]he mere fact that the prior art could be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.'"

In re Laskowski, 871 F.2d 115, 10 USPQ2d 1397 (Fed. Cir. 1989). See also *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). In the present case, there is absolutely no suggestion in the prior art to make the *Martensson* boards of the claimed dimensions. In fact, as set forth above, there was ample evidence teaching away from making the *Martensson* boards of the claimed dimensions. See the declarations submitted on February 16, 2006 in this case.

In view of the foregoing legal holdings, the conclusions in the Official Action are respectfully traversed. Applicant has provided in the specification of the present application, and in the declarations submitted on February 16, 2006, evidence of criticality to the claimed dimensions, and that such benefits were surprising and unexpected. As set forth in a prior response, the fact that boards slightly larger than the claimed dimensions may have similar benefits is of no consequence.

Claim 7:

Claim 7 further defines the floorboards of claim 1, wherein the connectors comprise a separate part (6, Fig. 5a) which projects beyond the joint edge (VP) and which is mechanically joined with a core 30 of the floorboard. Claim 7 is significant in that it reduces the amount of waste created when small boards are manufactured. See paragraph [0073]. Specifically, Fig. 3 illustrates the amount of waste (W) that is created when the extending lip is integral with the core of the board. Whereas, when the separate part connector of claim 7 is used, waste is reduced to essentially the width of the sawblade.

The feature of an integrated connector is more important with the smaller boards, since there are more sawcuts, and potentially more waste. Although *Martensson* discloses integrated connectors, *Martensson* does not teach them in combination with small boards.

Claim 15:

Claim 15 recites a system of rectangular floorboards, wherein each of the floorboards comprises a laminated surface layer and a core with two long sides 4a and two short sides 5a, for making a floating flooring. The floorboards are mechanically lockable, and which along their four sides have pairs of opposing connectors for locking similar, adjoining floorboards to each other both vertically and horizontally, wherein the long sides have a length not exceeding 80 cm and the short sides have a width not exceeding 10 cm.

The arguments presented above with respect to claim 1 are incorporated herein by reference. In summary, the prior art does not provide any teaching of floorboards that are mechanically lockable in both the vertical and horizontal directions that have the size requirements set forth in claim 15. As set forth above with respect to claim, the prior art not only did not disclose such small boards, it taught away from making small boards. Furthermore, the subject matter of claim 15 provides unexpected results. See the declarations submitted in this case.

Accordingly, Applicant submits that claim 15 is patentable over the applied prior art.

Claim 25:

The method of claim 25 includes making a floor of mechanically locked rectangular floorboards joined in parallel rows with long sides and short sides. The method comprises placing a second floorboard (G2, Fig. 6) in a second row R2 at an angle (A) to a first floorboard G1 in a first row R1 and contacting the same, by an upper joint edge, with a joint edge of the first floorboard. Locking a new floorboard G3 in the second row R2 to a short side of the second floorboard G2 in the second row R2, so that the upper joint edge of the new floorboard contacts the joint edge of the first floorboard. Laterally displacing both the new and the second floorboard parallel with respect to the long side of the first floorboard. Compare Fig. 6c to Fig. 6d, and see paragraph [0074]. The lateral displacement is longer than the length of the floorboards. Angling down the second and the new floorboard after lateral displacement. Paragraph [0074].

This claim was rejected over *Martensson*. The Examiner alleges that *Martensson* suggests the claimed method. However, in the current rejection, the Examiner merely indicates that *Martensson* teaches floorboards capable of inward angling, and wherein the boards may be assembled long side to short side and short side to short side. The Examiner did not address any of the other features of the claims.

In the "Response to Arguments" section, the Examiner further explained that the claim language is functional, "with the prior art as *being capable* of use in such a manner". (emphasis added) With regard to the functional language comment, Applicant submits that the claims are method claims and therefore functional language is appropriate and must be considered. In addition, the mere fact that the prior art boards are capable of performing such functions is completely irrelevant, absent some teaching or suggestion to teach the claimed functions. The Examiner has not provided any explanation as to how *Martensson* teaches or suggests the method of claims 25 – 26.

Furthermore, in a prior response, Applicant pointed out that the Examiner did not address, among other items, the feature underlined above, i.e., laterally displacing both the new and the second floorboard parallel with respect to the long side of the first floorboard and the lateral displacement is longer than the length of

the floorboards. As set forth in the present specification, the claimed method provides the advantage that an entire row (such as row R2) can be laid without a floor layer having to move along the rows, and to automate laying. See page 23, lines 9-10 and 19-22.

In view of the above identified deficiencies of *Martensson*, applicant submits that the rejection of claim 25 is improper and should be withdrawn.

Claim 26:

Claim 26 depends from claim 25 and further recites that the floorboards are laminate and have a length and the width that does not exceed 80 and 10 cm. respectively. Accordingly, claim 26 is patentable at least for the reasons set forth above with respect to claims 1 and 25, the arguments for which are incorporated herein by reference.

Claim 27:

Claim 27 defines a method for installing a flooring comprising a first and a second type of rectangular floorboards. Each floorboard is provided, along opposing long edges and along opposing short edges, with integrated connectors for locking together the floorboard with a similar floorboard. The long edges have a length which is an even multiple of a length of the short edges, whereby the first type of floorboard, as compared with the second type of floorboard, is mirror-inverted with regard to the connectors. The first and the second types of floorboard are joinable to each other long side against short side, short side against short side and long side against long side, the method being wherein the installation of the flooring comprises the step of joining by inwards angling, two respective, essentially identical short edges of two floorboards of the first type with a long edge of a floorboard of the second type. See Fig. 10 and paragraph [0087]. The resulting patterns can be seen in Figs. 12-16.

The rejection of claim 27 fails to mention several of the features of claim 27. Specifically, there is no discussion of:

(1) where the long edges have a length which is an even multiple of a length of the short edges; and

(2) the first type of floorboard, as compared with the second type of floorboard, is mirror-inverted with regard to the connectors.

Although the rejection alleges that *Martensson* shows inward angling in Fig. 8, it is clear that the Fig. 8 embodiment is not capable of inward angling. The nature of the clip would clearly prevent inward angling.

Accordingly, *Martensson* fails to teach or suggest several important features of claim 27. The Board is therefore respectfully requested to reverse the rejection of claim 27.

Claims 29 and 32:

Claims 29 and 32, are similar to claim 27, although they define systems rather than a method. However, the floorboards of claims 29 and 32 also include the following features:

(1) the long edges have a length which is an even multiple of a length of the short edges; and

(2) the first type of floorboard, as compared with the second type of floorboard, is mirror-inverted with regard to the connectors.

Accordingly, claims 29 and 32, are also patentable over *Martensson*.

CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

VIII. Claims Appendix

See attached Claims Appendix for a copy of the claims involved in the appeal.

IX. Evidence Appendix

See attached Evidence Appendix for copies of evidence relied upon by Appellant.


X. Related Proceedings Appendix

See attached Related Proceedings Appendix for copies of decisions identified in Section II, supra.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date June 11, 2007

By: 
William C. Rowland
Registration No. 30888

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620

Table of Contents



I.	Real Party in Interest.....	2
II.	Related Appeals and Interferences.....	3
III.	Status of Claims	4
IV.	Status of Amendments.....	5
V.	Summary Claimed Subject Matter.....	6
VI.	Grounds of Rejection to be Reviewed on Appeal.....	10
VII.	Argument	11
VIII.	Claims Appendix	21
IX.	Evidence Appendix	22
X.	Related Proceedings Appendix.....	23

VIII. CLAIMS APPENDIX



The Appealed Claims

1. A rectangular laminated floorboard for a patterned floating floor, the floorboard comprising:

opposing long edges, opposing short edges, and a surface layer of laminate;

integrated connectors at least along the opposing long edges of the floor board for locking together the floorboard with a second similar floorboard;

wherein upper edge portions of the floorboard and upper edge portions of the second floorboard, in a joined state, together define a vertical plane;

the connectors are adapted for locking together the floorboard and the second floorboard in a horizontal direction, perpendicular to the vertical plane;

the connectors are also adapted for locking together the floorboard and the second floorboard in a vertical direction, perpendicular to a main plane of the floorboard; and

the opposing long edges edge of the floorboard have has a length not exceeding 80 cm. and the opposing short edges edge of the floorboard have has a length not exceeding 10 cm.

2. The floorboard as claimed in claim 1, wherein the connectors are adapted for locking together the floorboard and the second floorboard at least by means of inward angling, whereby the upper edge portions contact each other.

3. The floorboard as claimed in claim 2, wherein the connectors are adapted for releasing the floorboard and the second floorboard by means of upward angling, away from a sub-floor.

5. The floorboard as claimed in claim 1, wherein the the surface layer comprises a thermosetting resin.

7. The floorboard as claimed in claim 1, wherein the connectors comprise a separate part which projects beyond the joint edge and which is mechanically joined with a core of the floorboard.

8. The floorboard as claimed in claim 1, wherein one of the edges opposing each other in pairs on the long edges of the floorboards includes a projecting locking element integrated with the floorboard, and an opposing one of the edges in the same pair includes a locking groove for receiving the locking element of an adjoining floorboard.

9. The floorboard as claimed in claim 1, wherein the surface of the floorboard has a decoration and a shape corresponding to a traditional parquet block with a length exceeding 15 cm. and a width exceeding 4 cm.

10. A patterned floating flooring having a pattern which is provided by respective shapes of floorboards constituting the patterned floating flooring, wherein the patterned floating flooring comprises a plurality of the floorboard claimed in claim 1.

11. The patterned floating flooring as claimed in claim 10, wherein the pattern is provided such that at least two of said floorboards are arranged such that at least one short edge of a first of the at least two floorboards is aligned with at least one short edge of a second of the at least two floorboards.

12. The patterned floating flooring as claimed in claim 10, wherein the pattern is provided such that the short edges of two floorboards, which are locked together along their respective long edges, are mutually displaced relative to each other.

13. A block of floorboards for providing a floating flooring, wherein the block comprises at least two floorboards as claimed in claim 1, the at least two

floorboards being arranged such that at least one short edge of a first of the at least two floorboards is aligned with at least one short edge of a second of the at least two floorboards.

14. The block of floorboards as claimed in claim 13, wherein the block is square, such that a first edge of the block coincides with a long edge of one of the at least two floorboards and a second edge, which is perpendicular to the first edge, coincides with the short edges of the at least two floorboards.

15. A system of rectangular floorboards, wherein each of the floorboards comprises: a laminated surface layer and a core with two long sides and two short sides, for making a floating flooring, which floorboards are mechanically lockable and which along their four sides have pairs of opposing connectors for locking similar, adjoining floorboards to each other both vertically and horizontally wherein the long sides have a length not exceeding 80 cm and the short sides have a width not exceeding 10 cm.

16. The floorboards as claimed in claim 15, wherein the connectors of the floorboards on at least one long side or short side comprise a separate part which projects from an upper joint edge and which is mechanically joined with the core of the floorboard.

17. The floorboards as claimed in claim 15, wherein the surface layer is made of laminate with a length exceeding 15 cm. and a width exceeding 4 cm.

18. The floorboards as claimed in claim 15, wherein the surface layer of each of the floorboards has a decoration and a shape corresponding to a traditional parquet block with a length of 30-50 cm and a width of 5-8 cm.

19. The floorboards as claimed in claim 15, wherein the long sides can be joined by inward angling with upper joint edges in contact with each other.

20. The floorboards as claimed in claim 15, wherein the joint sides opposing each other in pairs on the long sides of the floorboards comprise a

projecting locking element integrated with the floorboard, and the opposing side in the same pair comprises a locking groove for holding the locking element of an adjoining floorboard.

25. A method for making a floor of mechanically locked rectangular floorboards joined in parallel rows with long sides and short sides, which floorboards along their four sides have pairs of opposing connectors for locking similar, adjoining floorboards both vertically and horizontally, the connectors of the floorboards being adapted so that two opposite joint edges on the long sides can be locked by inward angling, the method comprising:

placing a second floorboard in a second row at an angle to a first floorboard in a first row and contacting the same, by an upper joint edge, with a joint edge of the first floorboard,

locking a new floorboard in the second row to a short side of the second floorboard in the second row, so that the upper joint edge of the new floorboard contacts the joint edge of the first floorboard,

laterally displacing both the new and the second floorboard parallel with respect to the long side of the first floorboard,

the lateral displacement being longer than the length of the floorboards, and angling down the second and the new floorboard after lateral displacement.

26. The method as claimed in claim 25, wherein the floorboards are laminate and have a length and the width that does not exceed 80 and 10 cm. respectively.

27. A method for installing a flooring comprising a first and a second type of rectangular floorboards, each floorboard being provided, along opposing long edges and along opposing short edges, with integrated connectors for locking together the floorboard with a similar floorboard,

such that upper edge portions of the floorboard and the similar floorboard, in a joined state, together define a vertical plane,

whereby the connectors are adapted for locking together the floorboard and the similar floorboard in a horizontal direction, perpendicular to the vertical plane, and

whereby the connectors are adapted for locking together the floorboard and the similar floorboard in a vertical direction, perpendicular to a main plane of the floorboard,

whereby the long edges have a length which is an even multiple of a length of the short edges,

whereby the first type of floorboard, as compared with the second type of floorboard, is mirror-inverted with regard to the connectors, and

whereby the first and the second types of floorboard are joinable to each other long side against short side, short side against short side and long side against long side, the method being wherein the installation of the flooring comprises the step of joining by inwards angling, two respective, essentially identical short edges of two floorboards of the first type with a long edge of a floorboard of the second type.

28. The method as claimed in claim 27, further comprising joining the two floorboards of the first type with each other along their respective long edges prior to the inwards angling.

29. A flooring system comprising a first and a second type of rectangular floorboards, each floorboard comprising:

along opposing long edges and along opposing short edges, integrated connectors for locking together the floorboard with a similar floorboard, such that upper edge portions of the floorboard and the similar floorboard, in a joined state, together define a vertical plane,

whereby the connectors are adapted for locking together the floorboard and the similar floorboard in a horizontal direction, perpendicular to the vertical plane, and the connectors are adapted for locking together the floorboard and the similar floorboard in a vertical direction, perpendicular to a main plane of the floorboard,

the long edges have a length which is an even multiple of a length of the short edges,

the first type of floorboard, is mirror-inverted as compared with the second type of floorboard, with regard to the connectors, and

the first and the second types of floorboards are joinable to each other long side against short side, short side against short side and long side against long side.

30. The flooring system as claimed in claim 29, wherein the first and second types of floorboards are joinable by inward angling, whereby upper joint edges contact each other.

31. The flooring system as claimed in claim 29, wherein the floorboard has a surface layer comprising a thermosetting resin.

32. A flooring system comprising first and second types of rectangular floorboards, and third and fourth types of rectangular floorboards, each of the floorboards being provided, along opposing long edges and along opposing short edges, with integrated connectors for locking together the floorboard with a similar floorboard, such that upper edge portions of the floorboard and the similar floorboard, in a joined state, together define a vertical plane,

whereby the connectors are adapted for locking together the floorboard and the similar floorboard in a horizontal direction, perpendicular to the vertical plane, and

whereby the connectors are adapted for locking together the floorboard and the similar floorboard in a vertical direction, perpendicular to a main plane of the floorboard,

wherein the long edges have a length which is an even multiple of a length of the short edges,

a multiple of the first and second types of floorboards is smaller than a multiple of the third and the fourth types of floorboards,

the first type of floorboard and the third type of floorboard, as compared with the second type of floorboard and the fourth type of floorboard, respectively, are mirror-inverted with regard to the connectors, and

all of the first, second, third and fourth types of floorboards are joinable with each other long side against short side, short side against short side and long side against long side.

33. The floorboard as claimed in claim 1, wherein the integrated connectors comprise a separate part, which projects from at least one of the opposing long edges and which is mechanically joined with a core of the floorboard.

34. The floorboards as claimed in claim 15, further comprising a separate part, which projects from at least one of the long edges and which is mechanically joined with the core.

35. The method as claimed in claim 25, wherein the floorboards further comprise a separate part, which projects from at least one of the long edges and which is mechanically joined with the core.

36. The method as claimed in claim 27, wherein the integrated connectors comprise a separate part, which projects from at least one of the long edges and which is mechanically joined with the core.

37. The method as claimed in claim 29, wherein the integrated connectors comprise a separate part, which projects from at least one of the long edges and which is mechanically joined with a core of the floorboard.

38. The flooring system as claimed in claim 32, wherein the integrated connectors comprise a separate part, which projects from at least one of the long edges and which is mechanically joined with a core of the floorboard.

IX. EVIDENCE APPENDIX

None

X. RELATED PROCEEDINGS APPENDIX

None